

## DAVIE AGRICULTURAL ADVISORY BOARD

JUNE 5, 2001

7:30 P.M.

### 1. ROLL CALL

The meeting was called to order at 7:40 p.m. Board members present were Chair Julie Aitken, Vice-Chair Jason Hurley, Delia Alonso and Barbara Spiece. Also present was Board Secretary Jenevia Edwards recording the meeting. Thaddeus Hamilton was absent.

### 2. DISCUSSION

2.3 Planning and Zoning Manager Jeff Katims presented the items requested by Chair Aitken which included several maps pointing out some of the undeveloped areas in the Town. Chair Aitken referred to the Charter Amendment that was passed regarding the identification of the remaining rural and equestrian areas and adopting appropriate legislation to ensure preservation. She indicated that she felt the Board would be the appropriate body to make a recommendation to the Town Council and the best way to achieve this would be to create an overlay district similar to the Western Theme District in the downtown area. To accomplish this, it was important to ascertain the steps that the Board could take, as individual property rights could not be interfered with. Chair Aitken commented that in spite of that, she believed that there were ways in which the semi-rural small town character of Davie could be maintained. She indicated that the Board proposed identifying specific areas within the Town with undeveloped land where the overlay district would be appropriate, and have Council declare a "zoning in progress" on the specific areas to halt all ~~present~~ future development. Chair Aitken commented that by the time a book of regulations similar to the downtown Western Theme Manual was created, developers would already have developed all the remaining properties.

Mr. Katims explained the criteria for the "zoning in progress" indicating that because specific geographic areas were not involved and there were possibly thousands of acres, Council would require a legal opinion in order to decide whether or not to approve a "zoning in progress". Chair Aitken asked if there were still thousands of acres of undeveloped land available, with Mr. Katims responding in the affirmative. He indicated however, that due to a site plan completed approximately six months ago, the number had been reduced but there were still at least a thousand acres available. Chair Aitken referred to the "deal" made with Mr. Zimmerman and inquired if those properties were out of bounds even though the land had not been developed. Mr. Katims explained that there had been a settlement agreement which afforded Mr. Zimmerman certain rights; however, the property had been site planned and it no longer mattered.

Mr. Katims stated that once notice was given of a pending "zoning in progress", developers usually attempted to "beat" it before Council made the change. He explained that the Board should be specific in its request because failure to do so would border on a moratorium and he provided an example. Ms. Spiece asked if it was the Board's position that a property had to be developed with an equestrian trail or that a property could not be developed. Chair Aitken indicated that the bulk of properties were in western Davie and had a future land use designation of R-1, one house per builder's acre. She indicated that a rural and equestrian lifestyle could only be achieved on undeveloped residential land. Chair Aitken commented that the Board was looking at a way to regulate the style of the homes as well the neighborhood layout in keeping with preservation of the small town, rural character. Ms. Spiece inquired if this would change the R-1 zoning and would one house per acre still be allowed, with Chair Aitken responding that there would be no changes.

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Chair Aitken referred to the Western Theme Overlay Zoning District Development Manual which indicated the type of regulations involved when an overlay district was made. She explained that there were many things involved, however this was seen as the only alternative in attempting to maintain the rural character of the Town. Chair Aitken indicated that there would be special sets of rule for how the development took place and gave examples of these rules, some of which she explained would lead to more open space. In a lengthy discussion, Chair Aitken referred to neo-traditional development which was a turn of the century neighborhood style built to fit the small town character. This type of development changed to tract housing in the 1950s and the old trend was lost. Chair Aitken indicated that there was now a new trend to return to the old style, and the closest the Town would come to rural character would be a semi-rural small town character and she did not believe there was enough land available to do otherwise.

Ms. Spiece commented that both the Western Theme District and the Griffin Road Overlay which appeared to be good ideas in the beginning became problematic, and she did not want the Board's ideas to be next. She indicated that she would like a clear understanding of the Board's expectations. Chair Aitken indicated that the book "Rural by Design" gave ideas on the preservation of the small town rural character and how this could be achieved while property owners were developing their properties. She indicated that this was a growing trend which many developers were doing voluntarily because of the money involved. Chair Aitken referred to three areas in Florida that were building in the traditional neighborhood designs which provided more open spaces, and that these were prime properties and were selling like "hot cakes". Councilmember Starkey commented that of the three areas mentioned, two areas lent itself to walking pedestrian lifestyle and everything was built like a small town. However, the third area had similar characteristics but had a "hub" with different parts of the development that made a large track of land into a smaller community. She commented that Chair Aitken should take a good look at each area before it was presented to residents, as the equestrian lifestyle and open space of Davie would not be achieved with the concept that was in place at this location. Chair Aitken indicated that the proposed design would only involve certain areas, not the entire Town and there were ways in which this could be accomplished to allow the community feeling to return without Davie losing its charm by resembling everywhere else. She indicated that as 90% of the residents voted for the preservation of this lifestyle, Council was obliged to reinforce this preservation and the Board would assist.

Ms. Alonso commented that if some developments in Davie were compared with Weston and Boca Raton, it would be difficult to differentiate between them. She indicated that if the berms and high walls were removed, these places would be less "homogenized". Chair Aitken commented that Imagination Farms supported the rural characteristics of the Town and she believed that this should be maintained. An unidentified man commented that when Imagination Farms East was developed, a section had been set aside for equestrian properties. Chair Aitken indicated that this was never advertised and no attempts were made to sell them as such. Ms. Spiece inquired if rural character was defined by how the roads were developed more than how the houses were developed. Chair Aitken responded that the architecture played a part, and there should be shade trees instead of palm trees, and front porches and not garages. Ms. Spiece disagreed. Chair Aitken explained that whatever was accomplished would not prevent developers from developing but they should be steered

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in the right direction. She stated that the idea was to find out where to place the overlay districts from the maps and to ask Council to "call" a "zoning in progress" to allow the Board time to refine its ideas. Discussion continued regarding identification of different parcels of land with Vice-Mayor Paul indicating that part of the preservation of the rural character should involve having a wetland and a wildlife sanctuary. Chair Aitken explained that the overlay district could not be performed "piece-meal," it had to be a one-shot deal. She indicated that this required a broad stroke and if not accomplished thoroughly the first time there would be no second chance. An unidentified resident commented that he did not believe that this type of action was necessary. He indicated that there were not many vacant parcels left with Chair Aitken commenting that she was not referring to individuals but rather developers with 50 acres. Ms. Spiece indicated that without agreeing with what the overlay district should consist of, she agreed that the Board should take a serious look at the future development of any parcels in the Town to make sure that they were of rural character. Chair Aitken referred to an area on the map and inquired if it was too broad an area for the overlay district. Mr. Katims responded that it was a large area, almost half the Town. He indicated that he could not offer an opinion whether or not this could be done as it was a legal opinion question. Mr. Katims commented that Council would need a legal opinion before a decision could be made.

Mr. Katims indicated that the Board was grappling with a similar issue that Council had done when the R-1E district was proposed by G.L. Homes. He stated that Council, as well as the residents, was divided on the issue. A lengthy discussion ensued with the consensus being that for anyone who wanted a home with a universal theme, they should not reside in Davie. Mr. Katims reiterated that the Board was taking on the same issue, albeit slightly different than what Council had.

A representative of the County's Land Preservation Advisory Board inquired if the Board had a specific definition of what constituted a rural area. Chair Aitken responded negatively and indicated that that was her reason for referring to the Rural by Design book. She explained that the Charter amendment that was passed by 90% of the residents indicated that the citizens of Davie wanted the remaining rural and equestrian areas in Davie identified, and for Council to adopt legislation to ensure its preservation. It was suggested by the Land Preservation Advisory Board representative that if the Board defined rural and gave examples of what might or might not be considered rural and incorporated it into the present Town Code, the Board would have an absolute blue print to work from along with all of the Board's other ideas. Chair Aitken commented that like Broward County, the Town was galloping to build-out and the purpose of the "zoning in progress" was to temporarily suspend any new development. She stated that she was unsure of how to accomplish this, but once developers became aware of this there would be a rush towards development. Ms. Spiece commented that developers should embrace this if they wanted to sell homes and the Town wanted wonderful areas for residents to live. Chair Aitken indicated that the Board's initial goal was to attempt to prepare a recommendation for Council for two finite areas of Davie and to have them declare a "zoning in progress" for the areas. Mr. Katims suggested that the Board be specific in its direction in order to make the recommendation. He explained that there would be a lot of disagreement as this was attempted before. A lengthy discussion followed with Mr. Katims explaining cluster development and open space, and indicating that open space could be preserved without clustering.

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Mr. Katims presented several examples as to how the Board could make its proposed recommendation and which would be subject to Council's direction and a legal opinion if necessary. Chair Aitken presented a proposed recommendation and inquired if the wording was appropriate with Mr. Katims responding that it appeared to be appropriate, however, it should be a three-tiered recommendation including geographical area, applicable land use plan designation and minimum parcel size. Mr. Katims indicated that the Board should exclude all lands for which site plans had been submitted. He asked when the recommendation would be submitted to Council and Chair Aitken responded that she would attempt to present it to Council at its June 20th meeting. Ms. Spiece commented that in making the proposed recommendation to Council, no reference should be made to the Downtown Western Theme District.

Ms. Spiece made a motion, seconded by Ms. Alonso, that the proposed template (attached hereto and made a part hereof) be accepted excluding "similar to the western downtown theme overlay district" in paragraph 2; excluding in paragraph 3, "similar to the Western Theme Manual" and in place of that put "which may include"; and at the bottom in the detail, include the three items that would be "properties that were R-1, 5 acres and more and not already in site plan." In a voice vote, with Mr. Hamilton being absent, all voted in favor. **(Motion carried 4-0)**

Chair Aitken inquired as to the appropriate steps for presentation to Council which Ms. Edwards explained.

Chair Aitken indicated that at subsequent meetings, the Board would attempt to work towards the goal of preparing the manual. Ms. Spiece suggested that Boardmembers should think of ideas for the definition of "rural" for discussion at the next meeting.

**2.1 Recommend Deletion of Davie Code Section 12.34 (B)**

Chair Aitken referred to "farm amendments" and indicated that the Town had attempted to bring its ordinances into compliance with the State law which provided various exemptions for farms. She indicated that due to an oversight, the ordinance was not in compliance, namely, Section 12.34(B) (Attached hereto and made a part hereof) is a copy of the proposed recommendation.

Mr. Hurley made a motion, seconded by Ms. Alonso, to have Section 12.34(B) deleted from the Davie Code. In a voice vote, with Mr. Hamilton being absent, all voted in favor. **(Motion carried 4-0)**

**2.2 Use of Board as Mediating Body in Disputes**

Chair Aitken commented that since the initial meeting, a resident had a barn erected on their farm without a permit and was informed by the builder that a permit was not required because it was a farm, and therefore exempt. She stated that staff was now disputing what was a farm. Chair Aitken explained that it was not the Board's position to hear these types of disputes, however, it was ironic that after all the amendments that were passed indicating exemption for farms, there was a conflict concerning the definition of a farm. An unidentified man asked if this dispute was something to be handled by the new Community Relations Advisory Board with Chair Aitken responding that she was unsure.

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Chair Aitken gave a history of the Agrarian Committee and explained that it was through this committee that the Town's ordinances became compliant with State law. She commented that a similar problem occurred in Broward County which prompted the County to form an Ad Hoc Farm Committee and appointed members of Davie's farming community. Chair Aitken explained the process involved that allowed the change to the County's ordinances to make it compliant with the State. She stated that the Legislature amended the "Right to Farm Act" which contained the definition for a farm for building permit exemption. This summarized that "farms were exempt from all land development regulations." Chair Aitken indicated that a property with agricultural classification was considered a farm, however, nothing was done to amend the definition of a farm to include the land, building or machinery. She stated that it was decided by the County's Attorney that criteria was needed for farms without the agricultural classification to satisfy code officials to determine what was a farm.

Chair Aitken suggested the possibility of the Town adopting Broward County's criteria to determine the definition of a farm as an agenda item for the upcoming meeting. Mr. Hurley inquired if there was a definition of farm in the Town ordinance, with Chair Aitken responding in the affirmative but explained that there was nothing to guide the determination of what constituted a farm.

Following a brief discussion regarding the County's Farm Amendment, Chair Aitken read to Boardmembers the County's criteria for what was considered a farm.

**2.3 Identification of Rural Areas and Suggest Regulations for Preservation**  
This item was discussed earlier in the meeting.

**3. OLD BUSINESS**

There was no old business to discuss.

**4. NEW BUSINESS**

There was no new business to discuss.

**5. COMMENTS AND/OR SUGGESTIONS**

Ms. Alonso commented that although the zoning in progress was the priority of the Board, she believed that it would be helpful to the Board to obtain an architect's point-of-view. Chair Aitken agreed.

Chair Aitken inquired as to the date of the upcoming meeting with Ms. Edwards responding that it was Monday June 18th.

**6. ADJOURNMENT**

Mr. Hurley made a motion, seconded by Ms. Spiece, to adjourn. There being no objections, with Mr. Hamilton being absent, the meeting adjourned at 9:15 p.m.

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Approved

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Chair/Board Member